

## STATEMENT OF THE ISSUES

**I. Did the trial court err in concluding as a matter of law that Bauman's actions were not willful, wanton, or reckless?**

The Circuit Court concluded as a matter of law that Bauman was not willful, wanton, or reckless. Accordingly, the Court granted summary judgment to Bauman and the Chester Fire on Gabriel's vicarious liability claim.

Relevant Cases and Authority:

- *Tranby v. Brodock*, 348 N.W.2d 458 (S.D. 1984)
- *State v. Janklow*, 2005 SD 25, 693 N.W.2d 685
- *State v. Tammi*, 520 N.W.2d 619 (S.D. 1994)
- *Pozo v. State*, 963 So.2d 831 (Fla. 4<sup>th</sup> DCA 2007)
- SDCL 20-9-4.1

**II. Did the trial court err in finding that Gabriel's negligence claim against Chester Fire concerning training and equipment failed as a matter of law?**

The Circuit Court held that Chester Fire was not "willful, wanton or reckless" with respect to its training or providing of equipment. Accordingly, the Court granted summary judgment to Chester Fire on this claim.

Relevant Cases and Authority:

- *In re Certification of Question of Law*, 2010 SD 16, 779 N.W.2d 158
- SDCL 20-9-4.1